

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

WILLIAM T. SIMS,)	
Plaintiff,)	Civil Action No. 7:18-cv-00401
)	
v.)	
)	By: Elizabeth K. Dillon
HAROLD CLARKE, <i>et al.</i> ,)	United States District Judge
Defendants.)	

MEMORANDUM OPINION

Plaintiff William T. Sims, a Virginia inmate proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. The defendants filed a motion to dismiss, and the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005), on March 8, 2019. *See* Dkt. Nos. 15 and 17. The notice gave Sims twenty-one days to file a response to the motion and advised him that, if he did not respond, the court would “assume that plaintiff has lost interest in the case, and/or that plaintiff agrees with what the defendant[s] state[] in their responsive pleading(s).” *Id.* The notice further advised Sims that, if he wished to continue with the case, it was “necessary that plaintiff respond in an appropriate fashion,” and that if he failed to file some response within the time allotted, the court “may dismiss the case for failure to prosecute.” *Id.* Sims did not respond. Therefore, Sims’ complaint will be dismissed without prejudice for failure to prosecute.

An appropriate order will be entered.

Entered: April 10, 2019.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
United States District Judge